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"To enrich lives through effective and caring service"

December 19, 2011

To: Supervisor Zev Yaroslavsky, Chair
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Tom Tindall *Tom Tindall*
Director

Subject: **STATUS REPORT ON RECONFIGURATION OF THE
COUNTYWIDE INTEGRATED RADIO SYSTEM (CWIRS)**

This is to provide your Board with a status report on the Internal Services Department (ISD) project for frequency-band reconfiguration of the Countywide Integrated Radio System (CWIRS). Pending resolution of U.S. State Department – Mexico treaty negotiations for new frequency allocations and assignments, the implementation phase of this project has remained on hold since 2008.

Since our last report on June 15, 2010, ISD has been exploring alternative implementation models which may allow ISD to begin significant infrastructure work before we receive our new frequency assignments. As described in more detail below, over the next few months ISD will pursue agreements with the Federal Communications Commission (FCC), Sprint Nextel, and our incumbent CWIRS vendor, Harris Corporation, for a negotiated settlement.

Background

CWIRS is a County radio system used for mobile communications by a number of departments, including Health Services, Public Works, Probation, and ISD. The Sheriff and Fire Departments do not use CWIRS. In addition to serving the day-to-day operations of its user departments, CWIRS is the County's primary disaster recovery mobile communications system in a major emergency incident.

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About fifteen years ago, public agencies throughout the United States using the 800 megahertz (MHz) radio band frequency started to experience radio interference caused by adjacent frequency use by Nextel Communications, Inc. (now Sprint Nextel). To eliminate this interference and allocate frequencies for more efficient use, the FCC issued orders in 2004 requiring all 800 MHz licensees, including the County, to move to new frequencies. The FCC also ordered Sprint Nextel to provide funding to all licensees for such reconfiguration.

Reconfiguration involves retuning system hardware (e.g., consoles, control stations, mobile and portable radios) and system software to use new frequencies, but does not require any civil engineering or construction.

Under FCC jurisdiction, reconfiguration is a two-phase project. Phase 1 is planning and design. Phase 2 is implementation.

Each phase requires: (1) a funding agreement with Sprint Nextel to commit funds as mandated by the FCC, and (2) a services agreement with our existing CWIRS equipment vendor, Harris Corporation, formerly M/A-COM¹.

On January 11, 2007, we notified your Board of ISD's intent to enter into sole source negotiations with Harris Corp. for agreements related to both the planning and implementation phases of this project.

Phase 1 / Planning & Design – Completed

Your Board approved Phase 1 agreements on February 20, 2007, with delegated authority to the ISD Director. Phase 1 was completed on October 29, 2007, when Harris Corp. delivered an implementation design plan and price proposal to ISD. On February 20, 2008, ISD submitted this plan to Sprint Nextel for consideration.

Phase 2 / Implementation – Pending

Under the FCC's nationwide plan, new frequencies for the County will not be available and assigned until the U.S. State Department consummates a treaty with Mexico for frequency allocations. Accordingly, the FCC waived its June 30, 2008, deadline for nationwide-rebanding completion, and will not issue a new deadline until after a treaty is signed.

The State Department has not released any current information on the status of negotiations. As such, we cannot predict when a treaty will be executed, when the FCC

¹ M/A-COM was purchased by Tyco Electronics in September 2008, and then Tyco's wireless business systems unit was purchased by Harris Corporation in May 2009.

will allocate new frequencies to the County, or when the County can proceed with implementation under the FCC program.

Current Status

A. Possible Upgrade to New P25 Standard

Since the federal rebanding program began, the telecommunications industry has developed new technologies, including new standards for improved radio interoperability. Given the unexpected and uncontrollable delays, ISD issued a Request for Information in mid-2010 (RFI) to investigate technology alternatives to the current CWIRS reconfiguration design. In particular, we are examining the merits and impact of upgrading CWIRS to meet the national Project 25 land mobile radio standard (P25) simultaneously with rebanding.

Currently, CWIRS is using 1980s technology that soon will not be maintainable (i.e., no private sector maintenance available) and is otherwise approaching obsolescence. Upgrading CWIRS to P25 would enhance its compatibility and interoperability with other and future state-of-the-art public safety/service communication systems, including the pending Los Angeles Regional Interoperable Communications System (LA-RICS).

Our RFI confirmed two essential facts. First, the RFI confirmed the validity of our ongoing sole source justification, as replacements and upgrades to CWIRS must match the existing system infrastructure, which is proprietary to our incumbent vendor. To use a different vendor would require scrapping and replacing the entire system, and would result in significant costs and expenses not covered by federal subvention. Second, information received from our RFI indicates that upgrading to P25 could be readily accomplished by our incumbent vendor in concert with our radio frequency rebanding project, and with minimal impact on project cost, schedule, or service continuity.

B. Possible Negotiated Opt-Out Settlement

The County's contemplated rebanding project is larger and more extensive than those in other jurisdictions. Based on the County's Phase 1 design plan documents, our implementation in Phase 2 is expected to take approximately thirty-six (36) months.

To mitigate the delays caused by the international treaty negotiations, as well as the inherent delays ahead in the complex claims-and-approvals process of this federal program, ISD has been exploring alternative models that allow for infrastructure work to begin before we receive our new radio frequency assignments.

An alternative used in other jurisdictions is the "opt-out" settlement model. Specifically, a three-way accord would be reached among the County, Sprint Nextel, and the FCC, whereby all parties agree to settlement payments, consisting of Sprint Nextel paying the County's implementer for hardware and installation services, and also making direct payment to the County for its activities associated with rebanding. Upon payment, the County would opt-out of the federal rebanding program, the FCC would release the County from the program, and Sprint Nextel would have no further monetary obligations.

For the opt-out settlement model to be viable for the County, the payment amounts would have to be sufficient to cover all of the County's implementation expenses, including the eventual transition to new radio frequencies when they become available. To help ensure this, the County would first need to obtain an accurate and ironclad contractual commitment from its implementation vendor, Harris, as to scope and maximum cost.

Our next steps will be to explore the following:

1. Inform the FCC of our intention to pursue a possible opt-out settlement, and obtain their approval;
2. Seek a firm and irrevocable proposal, including maximum price, from our incumbent vendor, Harris, for a P25 upgrade and full system rebanding;
3. Seek a three-way accord among the FCC, Sprint Nextel, and the County for an opt-out settlement; and then,

Pending completion of the above, ISD will come before your Board for approval and acceptance of (i) the Harris proposal and (ii) the proposed opt-out agreement. We will continue to update your Board as any significant developments occur.

If you have any questions, please contact me at (323) 267-2101, or your staff may wish to contact the project leads: John Geiger at (323) 267-3443 or Robert King at (562) 940-2907.

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c: ISD Board Deputies
William T Fujioka, CEO
Ellen Sandt, DCEO
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